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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,940	01/14/2002	Kevin S. Barker	RSW920010049US1	4432

40412 7590 01/28/2005

IBM CORPORATION- AUSTIN (JVL)  
C/O VAN LEEUWEN & VAN LEEUWEN  
PO BOX 90609  
AUSTIN, TX 78709-0609

EXAMINER

HUYNH, BA

ART UNIT PAPER NUMBER

2179

DATE MAILED: 01/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/046,940	<b>Applicant(s)</b> BARKER ET AL.	
	<b>Examiner</b> Ba Huynh	<b>Art Unit</b> 2179	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 October 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-13, 25 are rejected under 35 U.S.C. 102(e) as being anticipated by US patent Application Publication 2003/0095142 (Patrizio et al).

- As for claims 1, 8, 15. In a computer system which inherently includes a processor, memory, nonvolatile storage, Patrizio et al teach a computer implemented method and corresponding system for generating display information from management definition data (MOF, 0002, Summary of the Invention), said method comprising:

receiving a display an element request from a user and locating a display name corresponding to the element request in a management definition object; (0035, 0037. MOF files define CIM classes. A CIM class comprises CIM properties. To retrieve a particular instance of a CIM class in a CIM model, the requestor must supply values for all the pertinent keys that uniquely identify that instant. See also US patent application Publication 2003/0135648, par. 0004);

retrieving one or more qualifier values (A CIM qualifier is information to describe a CIM property) and one or more data definitions corresponding to the display name, wherein the retrieving includes reading the management definition object (0038, 0039);

creating one or more data elements (i.e., the property sheet) using the data definitions and writing the qualifier values and data elements to a display panel (0038, 0039).

- As for claims 2, 9, 16: The management definition object includes a common information model managed object format file (0035).

- As for claims 3, 10, 17: The data element is associated with an external data source (0004).

- As for claims 4, 11, 18: For creating new menu tabs, descriptions of the new tab are added to the MOF file (0038, 0043). The identifying of menu tab name and writing tab label are inherently included in the teaching of adding new tabs.

- As for claims 5, 12, 19: At least one of the data elements is selected from the group consisting of a text box control, a box control, a combo box control, a check box control, and a radio button control (figures 2-8).

- As for claims 6, 13, 20: New property sheet can be added. The MOF comprises information describing the property sheet, which includes text labels corresponding to the property sheet (0039-0040; figs 2-8).

- As for claims 7, 14, 21: The data definitions include one or more data specifications corresponding to at least one of the data elements, and wherein at least one of the data specifications are selected from the group consisting of a minimum value, a maximum value, data type, and a valid values list (0035-0039).

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- As for claims 22, 23, 25: Claims 22, 23 recite various combination of the limitations recited in claims 2-7, thus are rejected for the same reason as set forth in the rejection of claims 2-7 combined.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Patrizio et al.

- As for claim 24: Claim 24 recites a combination of various limitations recited in claims 2-7, thus is rejected for the same reason as set forth in the rejection of claims 2-7 combined. Patrizio et al fail to clearly teach that the display panel is stored in the nonvolatile memory. However, it would have been obvious to one of skill in the art, at the time the invention was made, to store the display panel in the nonvolatile memory to prevent losing the data.

***Response to Amendment***

The declaration filed on 10/20/04 under 37 CFR 1.131 has been considered but is ineffective to overcome the Patrizio et al reference.

The affidavit is signed solely by Mr. Barker, which is less than all named inventors of this application. The affidavit fails to meet the requirement of MPEP 715.04B, which requires

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the signatures of all inventors of this case, unless Mr. Barker is the sole inventor of the claims under rejection.

The applicant alleges that conception of the invention was established prior to 10/30/2001, the effective filing date of the Patrizio et al reference, however submitted evidences are insufficient to establish a conception of the invention prior to the effective date of the reference. While conception is the mental part of the inventive act, it must be capable of proof, such as by demonstrative evidence or by a complete disclosure to another. Conception is more than a vague idea of how to solve a problem. The requisite means themselves and their interaction must also be comprehended. See *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897).

The affidavit states that the claimed invention was completed and reduced to practice prior to 10/30/01. The evidence submitted fails to show that the inventor constructed an embodiment or performed a process that met all limitations of the claims. Proof of constructive reduction to practice requires sufficient disclosure under the how to make and use of 35 USC 112-1<sup>st</sup> paragraph.

The evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of the Patrizio et al reference to either a constructive reduction to practice or an actual reduction to practice. Applicant must account for the entire period during which diligence is required. The period during which diligence is required must be accounted for by either affirmative acts or acceptable excuses. Efforts to exploit an invention commercially do not constitute diligence in reducing it to practice.

*Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent Application Publication 20030135648 (Porter), 7/17/2003: MOF files define CIM classes. The CIM classes comprise CIM properties which are attributes associated with a CIM class. A CIM qualifier is information to describe a CIM property. To retrieve a particular instance of a CIM class the requestor must supply values for all the pertinent keys that identify that instance (0004).

US patent Application Publication 20020107872 (Hudis et al), 8/8/2002: The Meta-schema objects of CIM are components used to model a managed object using CIM. The objects present are classes, instance, properties, and qualifiers (0034).

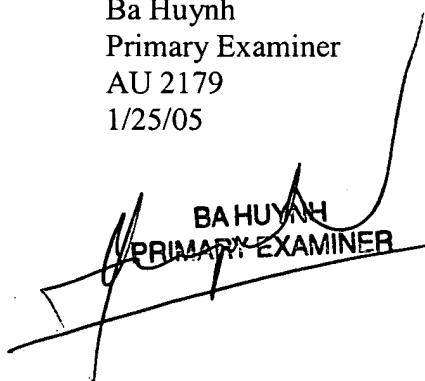
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (571) 272-4138. The examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ba Huynh  
Primary Examiner  
AU 2179  
1/25/05

  
BA HUYNH  
PRIMARY EXAMINER